

STATE OF NEW MEXICO
COUNTY OF ROOSEVELT
NINTH JUDICIAL DISTRICT COURT

FILED IN MY OFFICE
VICKI J. WILKERSON
DISTRICT COURT CLERK
2/17/2016 8:45:23 AM
Christine Randall

KENT ODAFFER,

Plaintiff,

v.

D-911-CV-2016-00035

CHARLES RODGERS and
RUAN LOGISTICS CORPORATION,

Defendants.

COMPLAINT FOR PERSONAL INJURIES

COMES NOW Plaintiff, by and through counsel, Ron Bell Injury Lawyers (Bryan L. Williams), and for his Complaint respectfully states as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is a citizen and resident of San Antonio, Texas.
2. Defendant Charles Rodgers ("RODGERS") may be served with process by delivery of summons and a true and accurate copy of this Complaint to said Defendant at 921 West University Drive, Portales, NM 88130.
3. Defendant Ruan Logistics Corporation ("RUAN") is a foreign corporation doing business in New Mexico. RUAN may be served with process by delivery of summons and a true and accurate copy of this Complaint to its Registered Agent CT Corporation System at 123 E. Marcy St., Santa Fe, NM 87501.
4. The collision, which is the basis for this Complaint, occurred in Portales, Roosevelt County, New Mexico. This Court has jurisdiction over the parties to and subject matter of this litigation. This Court is the appropriate venue for resolution of all disputes as between the parties hereto.

EXHIBIT

B

FACTS RELEVANT TO ALL CLAIMS

5. On or about March 25, 2015, in Roosevelt County, New Mexico, RODGERS negligently and carelessly operated a 2015 Volvo semi truck and tractor trailer thereby causing same to collide with the 2013 GMC automobile being operated by Plaintiff at the same time and location. Specifically, RODGERS failed to stop for a red light, thereby rear ending a car stopped at the red light and pushing that car into Plaintiff.

6. At the time and place of the subject collision, RODGERS was operating the 2015 Volvo semi truck and tractor trailer while under the influence. RODGERS' behavior was intentional, willful, malicious, wanton, reckless, and rises to such a degree to entitle the Plaintiff to recover punitive damages.

7. At all times pertinent hereto RODGERS was the agent, servant, and/or employee of RUAN and was acting within the course and scope of said agency, servitude, and/or employment.

8. The 2015 Volvo semi truck and tractor trailer driven by RODGERS at the time of the subject collision was the property of RUAN.

9. At all times pertinent hereto the Plaintiff exercised an appropriate degree of care for his own safety.

COUNT 1 – NEGLIGENCE CHARLES RODGERS

10. Plaintiff incorporates the foregoing allegations of the complaint as if fully set forth below.

11. As a direct and proximate result of RODGERS' negligent actions or inactions, Plaintiff suffered injuries and damages.

12. To the extent that RODGERS violated applicable statutes and/or regulations, RODGERS is to be considered negligent *per se* and strictly liable to the Plaintiff.

13. Plaintiff seeks by this action to recover the full monetary value of his injuries and damages, together with punitive damages, and all available interest at the maximum legal rate. Plaintiff's injuries and damages may include, but may not specifically be limited to, the following:

- (a) Medical bills and related expenses, past, present, and future;
- (b) Lost wages and impairment of earning capacity;
- (c) Physical pain and mental suffering, past, present, and future;
- (d) Loss of enjoyment of life;
- (e) Property damage;
- (f) Miscellaneous inconvenience and expense, past, present, and future; and
- (g) Punitive damages.

COUNT 2 – VICARIOUS LIABILITY RUAN LOGISTICS CORPORATION

14. Plaintiff incorporates the foregoing allegations of the complaint as if fully set forth below.

15. At all times pertinent hereto RODGERS was the agent, servant, and/or employee of RUAN and was acting within the course and scope of said agency, servitude, and/or employment.

16. By virtue of the employment relationship referenced above, RUAN is vicariously liable for RODGERS' negligence and carelessness and is financially responsible for Plaintiff's injuries and damages.

17. As a direct and proximate result of RODGERS' negligent, wanton, willful, malicious, intentional, and reckless actions, Plaintiff suffered injuries and damages.

18. Plaintiff seeks by this action to recover the full monetary value of his injuries and damages, together with punitive damages, and all available interest at the maximum legal rate. Plaintiff's injuries and damages may include, but may not specifically be limited to, the following:

- (a) Medical bills and related expenses, past, present, and future;
- (b) Lost wages and impairment of earning capacity;
- (c) Physical pain and mental suffering, past, present, and future;
- (d) Loss of enjoyment of life;
- (e) Property damage;
- (f) Miscellaneous inconvenience and expense, past, present, and future; and
- (g) Punitive damages.

COUNT 3 – NEGLIGENCE RUAN LOGISTICS CORPORATION

19. Plaintiff incorporates the foregoing allegations of the complaint as if fully set forth below.

20. RODGERS was employed by RUAN.

21. RUAN knew or should have known that RODGERS was operating a vehicle under the influence.

22. RUAN had sufficient control over RODGERS while he was driving the vehicle belonging to RUAN, that RUAN could have prevented RODGERS from driving under the influence.

23. RUAN was negligent in the hiring, supervision, and/or retention of RODGERS.

24. In order that Plaintiff may plead all causes of action and/or potential causes of action applicable to this loss, Plaintiff states that in the event it is determined that RUAN was negligent in equipping and/or maintaining the subject 2015 Volvo semi truck and tractor trailer, said actions/inactions on the part of RUAN are pled as additional bases upon which the Plaintiff may seek relief as against RUAN.

25. As a direct and proximate result of RUAN's negligent actions or inactions, Plaintiff suffered injuries and damages.

26. To the extent that RUAN violated applicable statutes and/or regulations, RUAN is to be considered negligent *per se* and strictly liable to the Plaintiff.

27. Plaintiff seeks by this action to recover the full monetary value of his injuries and damages, together with punitive damages, and all available interest at the maximum legal rate. Plaintiff's injuries and damages may include, but may not specifically be limited to, the following:

- (a) Medical bills and related expenses, past, present, and future;
- (b) Lost wages and impairment of earning capacity;
- (c) Physical pain and mental suffering, past, present, and future;
- (d) Loss of enjoyment of life;
- (e) Property damage;
- (f) Miscellaneous inconvenience and expense, past, present, and future; and
- (g) Punitive damages.

COUNT 4 – PUNITIVE DAMAGES

28. Plaintiff incorporates the foregoing allegations of the complaint as if fully set forth below.

29. The aforesaid actions of the defendants were willful, reckless, or wanton so as to warrant an additional award of punitive damages as punishment and to deter others from committing similar offenses.

PRAYER

WHEREFORE, the Plaintiff respectfully prays this Court for relief as follows:

- (a) For judgment as against RODGERS in an amount exceeding the minimum jurisdictional limits of this Court, including both compensatory and punitive damages, together with all available interest at the maximum legal rate;
- (b) For judgment as against RUAN in an amount exceeding the minimum jurisdictional limits of this Court, including both compensatory and punitive damages, together with all available interest at the maximum legal rate;
- (c) For Plaintiff's costs incurred in pursuit of this action including attorney's fees to the extent permitted by law; and
- (d) For any and all relief for which the Court deems appropriate.

Respectfully submitted this 17th day of February, 2016.

RON BELL INJURY LAWYERS

/s/ Bryan L. Williams

Bryan L. Williams
610 Seventh St. NW
Albuquerque, NM 87102
(505) 242-7979 ext. 280
FAX (505) 243-7192

CERTIFICATE OF SERVICE

The undersigned counsel does hereby certify that a true and accurate copy of this Complaint has been this day provided by U.S. Mail, postage prepaid, to each of the following entities. All parties receiving a copy of this Complaint are respectfully notified of the pendency of this action for purposes of subrogation claims, underinsured motorist claims, uninsured motorist claims, or any other purposes mandated by law or contract.

U.S. MAIL

Jeff Fallik
Tristar Risk Management
2540 Route 130, Suite 109
Cranbury, NJ 08512

IN RE:	Our Client:	Kent Odaffer
	Our File No.:	521568
	Your Insured:	Ruan Transport
	Your Claim No.:	5710921363
	DOI:	03/25/2015

U.S. MAIL

Dirk Ellerd
Farmers Insurance Company
P.O. Box 268993
Oklahoma City, OK 73126-8993

IN RE:	Our Client:	Kent Odaffer
	Our File No.:	521568
	Your Insured:	Kent Odaffer
	Your Claim No.:	3003032072
		3003041698-1-2
	DOI:	03/25/2015

U.S. MAIL

Tom Gossett
Blue Cross Blue Shield of New Mexico
3200 Robbins Road
Springfield, IL 62704

IN RE:	Our Client:	Kent Odaffer
	Our File No.:	521568
	Your Insured:	Kathy Odaffer/Family
	Your Claim No.:	10405742
	DOI:	03/25/2015

This 17th day of February, 2016.

/s/ Bryan L. Williams

Bryan L. Williams
Counsel for Plaintiff

STATE OF NEW MEXICO
COUNTY OF ROOSEVELT
NINTH JUDICIAL DISTRICT COURT

FILED IN MY OFFICE
VICKI J. WILKERSON
DISTRICT COURT CLERK
2/17/2016 8:45:23 AM
Christine Randall

KENT ODAFFER,

Plaintiff,

v.

D-911-CV-2016-00035

CHARLES RODGERS and
RUAN LOGISTICS CORPORATION,

Defendants.

JURY DEMAND

COMES NOW the Plaintiff, Kent Odaffer, by and through his attorneys of record, RON BELL INJURY LAWYERS (Bryan L. Williams, Esq.) and demand a trial by a jury of twelve, and their jury fee in the amount of \$300.00 is tendered herewith.

Respectfully submitted by,

RON BELL INJURY LAWYERS

/s/ Bryan L. Williams

Bryan L. Williams
Attorney at Law
610 Seventh Street, N.W.
Albuquerque, NM 87102
(505) 242-7979

I certify that I attached a copy of this Jury Demand
to the complaint for service upon defendant(s).

/s/ Bryan L. Williams

Bryan L. Williams

SUMMONS	
<p>Ninth Judicial District Court Roosevelt County New Mexico</p> <p>Court Address: 109 W. 1st Street Portales, NM 88130 Court Telephone No.: (575) 359-6920</p>	<p>Case No. D-911-CV-2016-00035</p> <p>Judge: Honorable Donna Mowrer</p>
<p>Plaintiff: KENT ODAFFER, v. Defendant(s): CHARLES RODGERS and RUAN LOGISTICS CORPORATION</p>	<p>Defendant: Ruan Logistics Corporation c/o CT Corporation System 123 E. Marcy Street Santa Fe, NM 87501</p>

TO THE ABOVE NAMED DEFENDANT: Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6606.

Dated at Portales, New Mexico, this 23rd day of February, 2016

CLERK OF DISTRICT COURT

BY: /s/ Christine Randall
Deputy



/s/ Bryan L. Williams
Attorney for Plaintiff
Ron Bell Injury Lawyers
610 Seventh Street N.W.
Albuquerque, NM 87102
Tel: (505) 242-7979 Ext. 280 Fax: (505) 243-7192
bwilliams@898-bell.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

SUMMONS	
<p>Ninth Judicial District Court Roosevelt County New Mexico</p> <p>Court Address: 109 W. 1st Street Portales, NM 88130 Court Telephone No.: (575) 359-6920</p>	<p>Case No. D-911-CV-2016-00035</p> <p>Judge: Honorable Donna Mowrer</p>
<p>Plaintiff: KENT ODAFFER, v. Defendant (s): CHARLES RODGERS and RUAN LOGISTICS CORPORATION</p>	<p>Defendant: Charles Rodgers 921 W. University Drive Portales, NM 88130</p>

TO THE ABOVE NAMED DEFENDANT: Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6606.

Dated at Portales, New Mexico, this 23rd day of February, 2016

CLERK OF DISTRICT COURT

BY: /s/ Christine Randall
Deputy



/s/ Bryan L. Williams
Attorney for Plaintiff
Ron Bell Injury Lawyers
610 Seventh Street N.W.
Albuquerque, NM 87102
Tel: (505) 242-7979 Ext. 280 Fax: (505) 243-7192
bwilliams@898-bell.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

FILED IN MY OFFICE
VICKI J. WILKERSON
DISTRICT COURT CLERK
3/21/2016 5:15:12 PM

SUMMONS	
Ninth Judicial District Court Roosevelt County New Mexico Court Address: 109 W. 1st Street Portales, NM 88130 Court Telephone No.: (575) 359-6920	Case No. D-911-CV-2016-00035 Judge: Honorable Donna Mowrer
Plaintiff: KENT ODAFFER, v. Defendant(s): CHARLES RODGERS and RUAN LOGISTICS CORPORATION	Defendant: Ruan Logistics Corporation c/o CT Corporation System 123 E. Marcy Street 206 S. Coronado Santa Fe, NM 87501 Espanola NM 87532

TO THE ABOVE NAMED DEFENDANT: Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6606.

Dated at Portales, New Mexico, this 23rd day of February, 2016

CLERK OF DISTRICT COURT

BY: /s/ Christine Randall
Deputy



/s/ Bryan L. Williams
Attorney for Plaintiff
Ron Bell Injury Lawyers
610 Seventh Street N.W.
Albuquerque, NM 87102
Tel: (505) 242-7979 Ext. 280 Fax: (505) 243-7192
bwilliams@898-bell.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN

STATE OF NEW MEXICO)
COUNTY OF Roosevelt) ss
)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Rio Arriba County on the 16 day of March, 2016, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

- ☐ to the defendant _____ (used when defendant accepts a copy of summons and complaint or refuses summons and complaint).
- ☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

- ☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.
- ☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.

☒ to Judy Romero, an agent authorized to receive service of process for defendant Ruan Logistics Corporation.

- ☐ to _____, [parent] [guardian] [custodian] [guardian ad litem] of defendant _____ (used when the defendant is a minor or an incompetent person).

- ☐ to _____ (name of person), agent for the _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \$ 75.03

[Signature]
Signature of Person Making Service

Process Server

Title, if any

Subscribed and sworn before me this 16 day of March, 2016.

[Signature]
Judge, Notary Public or other Officer

My Commission Expires: Sept 8, 2016